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09/769,002	01/23/2001	Roland Calvin Kippenhan III	6456/53592	3815

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EXAMINER

COFFY, EMMANUEL

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/03/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/769,002

Applicant(s)

KIPPENHAN ET AL.

Examiner

Emmanuel Coffy

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. This action is responsive to the application filed on January 23, 2000. Claims 1-38 are pending. Claims 1-38 represent method, apparatus, and system for an "Autonomous Browsing Agent."

2. It is noted that this application appears to claim subject matter disclosed in prior Application No. 09/338,912, filed on 06/23/1999. For benefit claims under 35 U.S.C. 120, the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. Also, the current status of all nonprovisional parent applications referenced should be included. Appropriate correction is required.

### ***Claim Objections***

3. Claims 1, 2, 16, 26, 29 and 36 are objected to because of the following informalities: a colon (":") should be added at the end of the preamble. In claim 2 at lines 16 and 18 "click stream" should be one word. Appropriate correction is required.

4. Claim 6 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot refer back to another multiple dependent claim i.e. 4 and 5. See MPEP § 608.01(n). Appropriate correction is required.

In order to provide a more complete examination the Examiner asserts that claim 6 is interpreted as referring to 1, 2, or 3.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-38 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by  
Ingrassia, Jr. et al. (U.S. 6,035,332).

Claim 1:

It recites a method for enhancing access to information on a computer network, said computer network carrying and routing data between computers connected thereto, said computers including at least one client computer associated with one or more users, at least one server associated with a provider of goods, services or information, and at least one browsing agent server associated with an autonomous browsing agent, said method comprising the steps of: ( See Fig. 1, col. 1 and col. 2, lines 1-59).

a) monitoring clickstream data for elements characteristic of data upon which said browsing agent can operate; (See col. 1, lines 59-61 and col. 7, lines 29-32, and col. 5, lines 17-22).).

(b) displaying a browsing agent launch window on a display, said browsing agent window allowing said user to launch said browsing agent. (See col. 5, lines 61-63, col. 6, line 39 and col. 9, lines 50-53).

Claim 2:

Claim 2 recites the method of claim 1 further comprising the steps of:

(c) if said user launches said browsing agent, transmitting click stream data to said browsing agent server; (See col. 4, lines 57-66).

(d) receiving control data corresponding to said click stream data; and (See col. 5, lines 17-22).

(e) displaying a command option to said user, if one exists. (See col. 6, lines 52-55, and col. 5, lines 66-67).

Claim 3:

The recitation of claim 3 goes to the method of claim 1 further comprising the step of (f) repeating steps (a)-(e) a desired number of times. (See col. 9, lines 62-65). (A new session would, by implication repeat the steps.)

Claim 4:

Claim 4 recites the method of claim 1, 2 or 3 wherein said browsing agent window comprises between 1 and 10 percent of the total viewing area of said display. (See Fig. 8A).

Claim 5:

Claim 5 recites the method of claim 1, 2 or 3 wherein said browsing agent window comprises between 1 and 10 percent of the total window displaying the user's browsing session. (See Fig. 8A).

Claim 6:

Claim 6 recites the method of claims 1, 2, or 3 wherein said browsing agent window is displayed for a predetermined amount of time. (See objection above and col. 9, lines 58-59).

Claim 7:

This claim recites the method of claim 6 wherein said browsing agent window vanishes, if said user does not elect to launch said browsing agent within said predetermined amount of time. (See col. 9, lines 50-56 and 61-62).

Claim 8:

Claim 8 recites the method of claim 1 wherein said browsing agent window lies along an edge of the display. (See Fig. 8A, 8B, 8C). (Windows can be resized, moved and objects in windows can likewise be resized, moved. It is not clear why such limitation would be patentable).

Claim 9:

Claim 9 recites the method of claim 1 wherein said browsing agent window lies along an edge of the window displaying the user's browsing session. (See Fig. 8A, 8B, 8C). (Windows can be resized, moved and objects in windows can likewise be resized, moved. It is not clear why such limitation would be patentable).

Claim 10:

The method of claim 8 or 9 wherein said edge is the lower horizontal edge. (See Fig 8A). (Windows can be resized, moved and objects in windows can likewise be resized, moved. It is not clear why such limitation would be patentable).

Claim 11:

Claim 11 recites the method of claim 8 wherein said browsing agent window extends upwardly from said lower horizontal edge of said display. (See Fig 8A). (Windows can be resized, moved and objects in windows can likewise be resized, moved. It is not clear why such limitation would be patentable).

Claim 12:

Claim 12 recites the method of claim 11 wherein the vertical dimension of said browsing agent window spans between 5 and 10 percent of said display. (See Fig 8A). (Windows can be resized, moved and objects in windows can likewise be resized, moved. It is not clear why such limitation would be patentable).

Claim 13:

Claim 13 recites the method of claim 8 wherein said browsing agent window extends upwardly from said lower horizontal edge of said window. (See Fig 8A). (Windows can be resized, moved and objects in windows can likewise be resized, moved. It is not clear why such limitation would be patentable).

Claim 14:

It recites the method of claim 11 wherein the vertical dimension of said browsing agent window spans between 5 and 10 percent of said window. (See Fig 8A). (Windows can

be resized, moved and objects in windows can likewise be resized, moved. It is not clear why such limitation would be patentable).

Claim 15:

Claim 15 recites the method of claim 1 wherein said scanning step (a) occurs at said client computer. (See Fig. 1 and col. 7, lines 29-32).

Claim 16:

Claim 16 recites an apparatus operably connected to a computer network, the computer network carrying and routing data between computers connected thereto, the computers including a browsing agent server configured to facilitate operation of network access devices, comprising: (Fig. 1)

a display device, (See Fig.1) (a terminal consists of a monitor (display) and keyboard).

a network access module, the network access module facilitating access to and display of data transmitted over the computer network; and (Fig 1. and col. 1, lines 61-64).

a browsing agent client, the browsing agent client, in a limited mode, monitoring the clickstream associated with the network access module for indications that the browsing agent client may be operable; wherein the browsing agent client presents a browsing agent launch control on the display device when the browsing agent client may be operable, the browsing agent launch control facilitating launch of additional functionality of the browsing agent client. (See Fig.1 and col. 7, lines 10-32).

Claim 17:



Claim 17 recites the apparatus of claim 16 wherein the network access module is a browser. (See col. 1, lines 61-64).

Claim 18:

Claim 18 recites the apparatus of claim 16 wherein, if the browsing agent launch control is activated, the browsing agent client operates in an on-line mode to transmit clickstream data to the browsing agent server and receive control data corresponding to the clickstream data. (See col. 4 line 56 – col. 5, line 14).

Claim 19:

Claim 19 recites the apparatus of claim 18 wherein the browsing agent client presents a command option, if one exists, associated with the control data. (See col. 5, lines 66-67, col. 6, lines 53-55).

Claims 20-30, 36-38:

As for claims 20-30 and 36-38, they do not teach or define any significantly new limitation above and beyond claims 1-19 to warrant particular treatment, and are therefore, rejected for similar reasons.

Claim 31:

Claim 31 recites the system of claim 30 wherein the browsing agent client automates operation of page-based interfaces displayed by the network access module. (See col. 10, lines 56-65).

Claim 32:

Claim 32 recites the system of claim 29 or 30 wherein the browsing agent client includes a user account database storing user data. (See fig.1 and col. 6, lines 56-57).

***Claim Rejections - 35 USC § 103***

6. Claims 33, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingrassia in view of Sendrow (U.S. 4,317,957).

As for claim 33, it recites the system of claim 32 wherein the user data is stored in encrypted form.

Ingrassia does not explicitly suggest storing encrypted data. However, Sendrow teaches data enciphering and storing encrypted data at col. 3, lines 30-50, Fig. 2.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of monitored browsing system taught by Ingrassia with this system for authenticating users and devices in on-line transactions disclosed by Sendrow. The exposure to fraud is minimized and the user enjoys secured browsing. Therefore, claim 33 is rejected.

As for claims 34 and 35, they are inter-related in that 34 recites an authentication process by the browsing agent and a key being sent by the browsing agent server whereas 35 recites the decryption process by the browsing agent.

Ingrassia does not explicitly suggest authenticating users. However, Sendrow teaches users authentication and storing encrypted data at col. 3, lines 30-50, Fig. 2, and col. 5, lines 13-25. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of monitored browsing system taught by Ingrassia with this system for authenticating users and devices in on-line transactions disclosed by Sendrow. The exposure to fraud is minimized and the user enjoys secured browsing. Therefore, claims 34 and 35 are rejected.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bezos (U.S. 5,715,399) teaches "Secure Method and System for Communicating a List of Credit Card Numbers Over a Non-secure Network."
- Nieten (U.S. 5,944,783) teaches "Apparatus and Method for Data Transfers Through Software Agents Using Client-To\_Serve and Peer-To-Peer Transfers."
- Helfman (U.S. 6,119,135) teaches "Method For Passively Browsing Using Images Extracted From Web Pages. "

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (703) 305-0325. The examiner can normally be reached on 8:30 - 5:00 P.M.

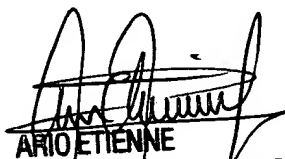
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy  
Patent Examiner  
Art Unit 2157

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EC  
May 19, 2004

  
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